

DEAN K. DUNSMORE
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources
Division
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
Telephone: (907) 271-5452
Facsimile: (907-271-5827
Email: dean.dunsmore@usdoj.gov

PAUL HARRISON
TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources
Division
P.O. Box 561 - Ben Franklin Station
Washington, D. C. 20044
Telephone: (202) 305-0299
Facsimile: (202) 514-8865
Email: paul.harrison@usdoj.gov

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER)	
)	
Plaintiff,)	No. 3:03-cv-00263-JKS
)	(CONSOLIDATED)
V.)	
)	
UNITED STATES OF AMERICA,)	
P. LYNN SCARLETT, Acting)	MOTION OF THE UNITED STATES
Secretary of the)	FOR ENLARGEMENT OF TIME
Interior, the DEPARTMENT OF)	
THE INTERIOR, the NATIONAL)	
PARK SERVICE.)	
)	
Defendants.)	
)	

The United States; P. Lynn Scarlett, Acting Secretary of the Interior;^{1/} the Department of the Interior; and the National Park Service (hereinafter referred to as the United States) move the

^{1/} Substituted pursuant to Fed. R. Civ. P. 25(d) for the former Secretary Gale Norton.

Court for an enlargement of time of thirty (30) days from May 18, 2006, to June 17, 2006, in which to serve responses to Plaintiff Paul G. Shearer's First Set of Interrogatories, First Request for Production and First Requests for Admissions to the United States of America, dated September 14, 2005, and Plaintiff Paul G. Shearer's Second Set of Interrogatories, Second Request for Production and Second Requests for Admissions to the United States of America, dated October 31, 2005.

In support of the above motion the United States shows:

1. Pursuant to the Order (Docket Entry No. 57) filed December 2, 2005, and the Order from Chambers (Docket Entry No. 69) filed December 23, 2005, the United States was granted a stay until forty-five (45) days after a ruling on the United States' motion for partial summary judgment (Docket Entry No. 39) in which to file responses to Plaintiff Paul G. Shearer's First Set of Interrogatories, First Request for Production and First Requests for Admissions to the United States of America and Plaintiff Paul G. Shearer's Second Set of Interrogatories, Second Request for Production and Second Requests for Admissions to the United States of America. The Court ruled on the motion for partial summary judgment on April 3, 2006. Order (Docket Entry No. 78). Therefore, the United States' responses to plaintiff Shearer's discovery is now due to be served by May 18, 2006.

2. The discovery served by Paul G. Shearer is extensive, and is set forth in to 73 pages of text and consists of 12 numbered interrogatories not counting sub-parts, 22 numbered requests for production and 128 numbered requests for admissions. Further, some of the requests for admissions also contain what

are effectively additional interrogatories and requests for admissions. While the United States has prepared a draft responses to most of Shearer's written discovery requests, additional time is needed to complete responses to all of this discovery and to coordinate the proposed responses with personnel within the Department of the Interior and others so as to insure the accuracy and completeness of those responses. The draft response to Shearer's first discovery request alone exceeds 100 pages.

3. The United States fully anticipates that the requested enlargement of time will be the only enlargement of time needed by the United States for this purpose.

4. Counsel for the United States has informed Mr. Shearer of the need for the requested enlargement, but has not obtained Mr. Shearer's consent to this motion.

Dated this 18th day of May, 2006.

/s/ Dean K. Dunsmore
DEAN K. DUNSMORE
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
Telephone: (907) 271-5452
Facsimile: (907-271-5827
Email: dean.dunsmore@usdoj.gov

PAUL HARRISON
TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
P.O. Box 561 - Ben Franklin Station
Washington, D. C. 20044
Telephone: (202) 305-0299
Facsimile: (202) 514-8865
Email: paul.harrison@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of May, 2006, a copy of the foregoing was served by placing said copy in a postage prepaid envelope, addressed to that person at the place and address stated below, and by depositing said envelope and contents in the United States mail at Anchorage, Alaska.

Paul G. Shearer
Kathryn A. McCready
1532 Meadows Drive
Lake Oswego, Oregon 97034

/s/ Dean K. Dunsmore
Dean K. Dunsmore